

**Before the State of South Carolina  
Department of Insurance**

In the matter of: )

Tina C. Allen )

107 Millie Avenue )

Iva, South Carolina 29655. )  
\_\_\_\_\_ )

SCDI File Number 2001-108152

**Consent Order  
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Tina C. Allen, a licensed South Carolina resident insurance agent.

Upon review of this matter, I hereby find as fact that on or about February 21, 2001, Allen placed an "X" on an application for life insurance on the line requiring the proposed insured's signature. She then had the proposed insured's husband sign his name next to the "X". Despite the fact that the proposed insured was not present, Allen then signed the application as witnessing agent, attesting that she had personally witnessed the signature of the proposed insured. Allen contends that it was not her intent to circumvent the insurance laws of this state. Nevertheless, Allen's actions can ultimately lead to the revocation of her license to transact the business of insurance as an agent in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-43-130 (Supp.2000).

Prior to the initiation of any administrative proceedings against her, Allen and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Allen's resident insurance agent license, she would waive her right to a public hearing and immediately pay an administrative fine in the total amount of \$1,000.

Section § 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent...has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that Allen has violated the law governing licensed agents. As a result, I can now take administrative disciplinary action against her resident insurance agent license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2000), and after carefully considering the recommendations of the parties, I hereby impose against Allen an administrative fine in the total amount of \$1,000. Allen must pay that fine within ten days of her receipt of this consent order. If she does not timely pay that total fine amount her resident insurance

**RECEIVED**  
GENERAL COUNSEL

*Tina C. Allen*  
Tina C. Allen

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STATE OF SOUTH CAROLINA  
DEPARTMENT OF INSURANCE

agent license will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Allen on this issue before and of her assurance that in the future she will comply with the state's insurance laws. The parties expressly agree and understand Allen's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order, Allen acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2000).

It is, therefore, ordered that Tina C. Allen shall, within ten days of her receipt of this consent order, pay through the Department an administrative fine in the total amount of \$1,000.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Allen's licensing file.

This consent order becomes effective as of the date of my signature below.



Ernst N. Csiszar  
Director

Nov 26, 2001, at  
Columbia, South Carolina

Tca Tina C. Allen

I CONSENT:

Tina C. Allen

Tina C. Allen

107 Millie Avenue

Iva, South Carolina 29655

Dated this 20<sup>th</sup> day of November, 2001